

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Donoho, et al

Docket No.: UNIV0001D5

Serial No. : 09/522,341

Art Unit: 2142

Filed: 03/09/2000

Examiner: Cardone, Jason D.

Title: Relevance Clause for Computed Relevance Messaging

January 23, 2004

Commissioner of Patents and Trademarks
Mail Stop Non Fee Amendment

01/30/2004 01 FC:2814 55.00 DA
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

The owner, BigFix, Inc., owns 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of Claims 1-4 of prior Patent No. 6,356,936 and Claims 1-3 of prior Patent No. 6,604,130. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Claims 1-4 of prior Patent No. 6,356,936 and Claims 1-3 of prior Patent No. 6,604,130 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is

reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Terminal disclaimer fee under 37 CFR 1.20(d) should be charged to the Deposit Account 07-1445, (Order UNIV0001D5).

The undersigned is an attorney or agent of record.

Respectfully Submitted,



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Certificate of Transmission Under 37 C.F.R. §1.8					
I hereby certify that this paper and the papers and/or fees referred to herein as attached are being transmitted via facsimile to the United States Patent and Trademark Office, Attn: Examiner Jason D. Cardone, at facsimile number (703) 872-9306 on January 23, 2004.					
Date of Deposit:	1/23/2004	Name of Person Making the Deposit:	Rhonda Dunn	Signature of the Person Making the Deposit:	<i>Rhonda Dunn</i>

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Re: Transmittal of Office Action Response and Terminal Disclaimer

To: United States Patent and Trademark Office

Fax: (703) 872-9306

Attention: Jason D. Cardone

Pages (including coversheet): 10 pages

Attached to this facsimile coversheet please find the following documents:

1. Amendment in Response to Office Action mailed 10/24/2003 (7 pages)
2. Terminal Disclaimer (2 pages)